



भारत का राजपत्र

The Gazette of India

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 34]

नई दिल्ली, शनिवार, अगस्त 21, 1965 (श्रावण 30, 1887)

No. 34]

NEW DELHI, SATURDAY, AUGUST 21, 1965 (SRAVANA 30, 1887)

इस भाग में सिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग III—खण्ड 4

PART III—SECTION 4

विधिक निकायों द्वारा जारी की गई विविध अधिसूचनाएं जिसमें अधिसूचनाएं, आदेश, विज्ञापन और सूचनाएं सम्मिलित हैं
Miscellaneous Notifications including Notifications, Orders, Advertisements and
Notices issued by Statutory Bodies

डाक व तार विभाग

सूचना

नई दिल्ली, दिनांक 9 अगस्त 1965

सं० 25/34/65-एल० आई०—श्री मूरज भान की
क्रमांक 37131-पी० तथा दिनांक 2 अप्रैल, 1945 की 1000
रुपये की डाक जीवन बीमा पालिसी उनके संरक्षण से गुम हो गई

है। यह सूचित किया जाता है कि उक्त पालिसी का भुगतान रोक
दिया गया है। उपनिदेशक, डाक-जीवन बीमा, कलकत्ता को
बीमेदार के नाम पालिसी की दूसरी प्रति जारी करने के अधिकार
दे दिये गए हैं। जनता को चेतावनी दी जाती है कि मूल पालिसी
के सम्बन्ध में कोई लेनदेन न करे।

एस० श्रीनिवासन
निदेशक, डाक जीवन बीमा

RESERVE BANK OF INDIA

Department of Banking Operations and Development

Bombay-1, the 11th August 1965

DBOD. No. 23/C.404-65—In pursuance of sub-section (2) of section 36A of the Banking Companies Act, 1949, the Reserve Bank of India hereby notifies that the Sri Nadiambal Bank Private Ltd., Pattukkottai has ceased to be a banking company within the meaning of the said Act.

C. S. DIVEKAR
Deputy Governor

STATE BANK OF INDIA

NOTICES

Bombay, the 11th August 1965

In pursuance of Regulation 76(1) of the State Bank of India General Regulations, 1955, the Executive Committee of the Central Board has empowered the Regional Manager and the Assistant Regional Manager, Assam Branches, Shillong, to exercise the signing powers specified therein.

In pursuance of Regulation 76(1) of the State Bank of India General Regulations, 1955, the Executive Committee of the Central Board has empowered the Staff Superintendent, Kanpur Local Head Office, to exercise the signing powers specified therein.

The Executive Committee has also empowered the Third Assistant, Accounts Department, Kanpur Local Head Office, to exercise the following signing powers :—

"To endorse and transfer documents of title to goods, standing in the name of or held by the State Bank, to draw, accept and endorse bills of exchange and cheques, to issue, confirm and transfer letters of credit, in the current and authorised business of

the State Bank, and to sign all other letters, advices, accounts, receipts and documents connected with such business."

By order of the Executive Committee
of the Central Board

R. N. CHETTUR
Managing Director

THE BAR COUNCIL OF INDIA

At the meeting of the Bar Council of India held on the 10th and 11th of July, 1965, the rules set out hereunder were approved as from the date of their publication in the Gazette of India, in supersession of the existing rules which shall stand repealed from the date of such publication :—

THE BAR COUNCIL OF INDIA RULES

Rules made by the Bar Council of India in exercise of its rule-making powers under the Advocates Act, 1961.

PART I

DEFINITIONS

1. Definitions.—In these rules, unless the context otherwise requires :—

- 'Act' means the Advocates Act, 1961, as amended from time to time;
- 'Advocate' means an Advocate entered in any roll under the provisions of the Act;
- 'Casual Vacancy' means a vacancy caused otherwise than by the expiry of the term;
- 'Chairman' means the Chairman of the Bar Council of India;
- 'Council' means the Bar Council of India;
- 'Prescribed' means prescribed by the rules;
- 'Rules' means the Rules made by the Council;

- (h) 'Secretary' means the Secretary of the Bar Council of India, and includes any person howsoever designated and entrusted for the time being with the duties of the Secretary;
- (i) 'State Council' means a Bar Council constituted under Section 3 of the Act;
- (j) 'Vice-Chairman' means the Vice-Chairman of the Bar Council of India.

PART II

MATTERS RELATING TO THE BAR COUNCIL OF INDIA

CHAPTER I

Election of the members, the Chairman and the Vice-Chairman of the Council.

[Rules under Section 15(2)(a) (c) and (d) of the Act]

A. Election of Members

1. (a) In the case of the expiry of the term of a member of the Council arising under section 4(3)(i) and (ii) of the Act, the Secretary of the concerned State Council shall, after obtaining the directions of the Chairman of his State Council, issue notice for the election of a member to the Council fixing the date, time and place of the election, and shall also notify the same to the Secretary of the Council.

(b) Such notice shall be issued not less than 40 clear days before the expiry of the term, and the date of election shall be at least 25 clear days before such expiry.

(c) Notice of every such election shall be sent to the members of the State Council not less than 15 clear days before the date fixed for the election.

2. (a) In the case of a vacancy in the office of a member of the Council arising for any reason other than the expiry of the term mentioned in Section 4(3) of the Act,—

(i) intimation of the vacancy shall be given by the Secretary of the State Council to the Secretary of the Council forthwith, and

(ii) the election to fill the vacancy shall be held within 30 clear days from the date of the vacancy.

(b) (i) If the State Council does not take steps in time for the holding of an election as referred to in rule 1 or in sub-rule (a) of this rule, and

(ii) in the case of vacancy of a member of the Council arising under section 10A of the Act, the Secretary of the Council shall call upon the concerned State Council requiring it to elect its member to the council within 30 days of such notice.

Every notice fixing a date for the election of a member to the Council under this rule shall be sent not less than 15 clear days before the date fixed for the election.

3. The election of a member of the Council shall be conducted by the Secretary of the State Council concerned who shall act as the Returning Officer.

4. (a) The name of each candidate for the election shall be proposed by one member and seconded by another member of the State Council. No member shall propose or second more than one name.

If only one candidate has been duly nominated, the Returning Officer shall declare him elected.

Any nominated candidate can withdraw before the voting takes place.

(b) If the number of candidates duly nominated is more than one, there shall be an election by secret ballot. The Returning Officer shall provide voting papers with the names of the candidates typed. Each voting paper shall bear the signature of the Returning Officer.

A voter in giving his vote shall place on his voting paper the mark 'X' against the name of the candidate of his choice.

The voting paper shall not be signed by the voter, and in the event of any erasures, obliterations or alterations in the voting paper, or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced, and the vote purporting to have been given thereby shall not be taken into account for the purposes of the election. Subject to the provisions of Rule 6, the decision of the Returning Officer whether the voting paper has or has not been defaced shall be final.

A voting paper shall be invalid on which,—

- (i) the mark 'X' is not made, or
- (ii) the mark 'X' is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply, or
- (iii) the mark 'X' and any other mark or figures are set opposite the name of the same candidate; or
- (iv) there is any mark in writing by which the voter can be identified.

(c) The Returning Officer shall count the valid votes immediately after the close of voting in the presence of the candidates who may choose to be present.

The candidate securing the largest number of votes shall be declared elected.

In the case of two or more candidates securing an equal number of votes, the Returning Officer shall decide the election by drawing lots.

(d) Immediately after the declaration of the result, the Returning Officer shall put the ballot papers used for voting in the election in a separate cover, have the cover closed and sealed with his signature and that of all the contesting candidates if they desire to do so.

(e) The result of the election shall be communicated forthwith to the Secretary of the Council, and sent to the State Gazette or Gazettes for publication.

5. (a) In case of a dispute arising out of the election, any of the contesting candidates, or any other member of the State Council, may challenge the election by a petition which shall be filed with, or despatched by registered post, to, the Secretary of the Council within 10 clear days of the declaration of the result of the election. The petitioner shall also send copies of the petition to all the contesting candidates and to the Secretary of the State Council.

(b) As soon as possible after the receipt of the copy of the petition under sub-rule (a), the Secretary of the State Council shall send the sealed cover containing the ballot papers referred to in rule 4(d) above, and all other papers and records relating to the election to the Secretary of the Council.

6. (a) The Council may reject any petition received under rule 5, if, in its opinion, there is no *prima facie* case.

(b) If the Council is of the opinion that there is a *prima facie* case, either the Council or a Committee of the Council comprising not more than 3 members of the Council constituted therefor shall after hearing all the parties concerned, determine the said dispute.

(c) The Council or the Committee, as the case may be, shall have all or any of the following powers:—

- (i) to set aside the election;
- (ii) to declare any candidate as having been duly elected;
- (iii) to order a fresh election; and
- (iv) to make an order as to costs.

(d) A copy of the order of the Council or the Committee may be sent to all the State Councils.

(e) The State Council concerned shall cause such fresh election to be held as ordered under sub-rule (c) of this rule.

(f) The parties shall be entitled to obtain copies of the order or the decision of the Council or of the Committee as the case may be, on payment of the charges if any prescribed therefor under the rules of the Council in Part VIII. The Chairman of the Council or the President of the Committee as the case may be, may also permit copies of any other part of the record of the enquiry to be furnished on payment of such charges as may be prescribed.

B. Election of Chairman and Vice-Chairman

7. The Council shall at its meeting elect the Chairman and the Vice-Chairman. The members seeking election to—either office shall be proposed and seconded at the meeting. In case of a contest, voting shall be by show of hands. In the case of an equality of votes, the election shall be decided by lot to be drawn by the Secretary of the Council at the meeting.

8. The Chairman and the Vice-Chairman shall hold office for a period of two years or until he ceases to be a member, whichever is earlier.

9. If the Chairman or the Vice-Chairman ceases to be a member of the Council for any reason, the vacancy shall be filled up by election as far as possible at the next meeting of the Council.

10. The result of the election of the Chairman or the Vice-Chairman shall be sent forthwith to the Gazette of India for publication.

11. At a meeting for the election of the Chairman or the Vice-Chairman, the Attorney General and in his absence, the Solicitor General, shall preside unless there is a Chairman in office.

CHAPTER II

Power and duties of the Chairman and the Vice-Chairman.

[Rules under Section 15(2)(g) of the Act]
Chairman

1. Save as otherwise provided in these rules, and subject to the resolutions of the Council, the Chairman shall exercise general control and supervision over the affairs of the Council.

2. He shall preside over the deliberations of the Council, and of all committees of which he is a member.

3. He shall cause the meetings of the Council or the committee to be convened at such time and place as he may fix. He shall also settle the items for agenda of the meetings of the Council.

4. He shall have power to punish any employee of the Council by way of censure or reprimand and may initiate proceedings for suspension, removal or dismissal.

5. He shall be the authority to sanction the disbursement of salaries of the staff and to order payment of any bill—outstanding against the Council.

Vice-Chairman

6. The Vice-Chairman shall exercise all the powers and discharge all the functions of the Chairman in his absence and under his direction.

CHAPTER III

Meeting of Council and its Committee other than those of the Disciplinary Committee.

[Rules under Section 15 (2) (h) and (j) of the Act]

1. Notice of every meeting of the Council and the Committee shall ordinarily be sent by the Secretary not less than 15 days before the date of the meeting, except when the Chairman or any two members require a meeting to be called on short notice on grounds of urgency. No proceeding shall be invalidated merely on the ground that the rule relating to notice is not strictly complied with.

2. Notice of the meeting shall specify the time and place of the meeting and shall contain the agenda fixed for the meeting.

3. No member shall be entitled to bring forward for the consideration of the meeting any matter of which he has not given ten days' notice to the Secretary, unless the Chairman, in his discretion, permits him to do so.

4. The minutes of the previous meeting shall ordinarily be read and recorded at the subsequent meeting.

5. The quorum for the meeting of the Council shall be seven; and for all other committees, except the executive Committee and the Legal Education Committee, the quorum shall be two. The quorum for the Executive Committee and the Legal Education Committee shall be four.

6. The Chairman may, in his discretion, if urgent action by the Council becomes necessary, permit the business of the Council to be transacted by circulation of the papers to the members. The action proposed to be taken shall not be taken, unless agreed to by not less than 9 members. Any action so taken shall be forthwith intimated to all members of the Council. The papers shall be placed before the next meeting of the Council for confirmation.

7. The Council, or any committee may adjourn from day to day or any particular day, without further notice.

8. A member shall address the Chair when speaking at a meeting of the Council and he shall be entitled to speak only once on each subject, unless otherwise required or permitted by the Chairman to do so.

9. Save as otherwise provided in these rules, the decision on any matter shall be by majority, and in the case of equality of votes, the Chairman of the meeting shall have a second or casting vote.

10. No matter once decided shall be reconsidered for a period of three months unless the Council by a two-thirds majority of the members present, so permits.

11. Any Committee may refer for advice any matter to the Council.

CHAPTER IV

Constitution, functions and procedure of Committees of the Bar Council of India.

[Rules under Sections 10 (3) and 15(2)(i) of the Act]

1. The Council may appoint from amongst its members, one or more committees as it may deem necessary, in addition to those specified in the Act and delegate such powers, duties and functions to such committees as it deems fit.

2. Any casual vacancy in the above committees shall be filled up by the Council.

3. Save where the Chairman or the Vice-Chairman is a member of the Committee or sub-committee, the Committee or the sub-committee shall choose its Chairman for the meeting, unless at the time of the constitution thereof the name of the Chairman has been specified.

4. Unless otherwise determined at the time of election, the term of the member of the Executive Committee and Disciplinary Committee shall be 2 years from the date of election, and the term of the members of the Legal Education Committee shall be 4 years from the date of election.

5. The Executive Committee.

(a) Candidates for election shall be proposed and seconded at the meeting and in the case of contest, the election shall be by show of hands. In the case of equality of votes, the election shall be decided by drawing lots.

(b) A casual vacancy in the Committee shall be—filled up by election by the Council.

(c) The Chairman shall preside, and in his absence, the Committee shall elect a Chairman for the meeting.

(d) The Committee shall be executive authority of the Council, and shall be responsible for giving effect to the resolutions of the Council. It shall have power,—

- (1) to manage the funds of the Council;
- (2) to invest the funds of the Council in the manner directed by the Council from time to time;
- (3) to grant leave to members of the staff, other than casual leave;
- (4) to prescribe books of account, registers and files for the proper management of the affairs of the Council;
- (5) to appoint and supervise the work of the members of the staff and prescribe their conditions of service;
- (6) to appoint auditors and fix their remuneration;
- (7) to consider the annual audit report and place it before the Council with its comments for its consideration;
- (8) to maintain a library, and under the directions of the Council, publish any journal, treatise or pamphlets on legal subjects;
- (9) to prepare and place before the Council, the annual administration report and the statement of account;
- (10) to provide for proper annual inspection of the office and its registers;
- (11) to authorise the Secretary to incur expenditure within prescribed limits;
- (12) to fix travelling and other allowances to members of the committees of the Council, and to members of the staff;
- (13) to delegate to the Chairman and/or the Vice-Chairman any of its aforementioned powers;
- (14) to do all other things necessary for discharging the aforesaid functions.

6. The Legal Education Committee.

(a) Candidates for election from the Council to the Committee shall be proposed and seconded at the meeting. In case of contest the election shall be by a show of hands. If there is equality of votes, the election shall be decided by drawing lots.

(b) The names of the remaining five members of the committee to be co-opted shall be proposed and seconded by the members of the Council. In case of more than five persons being proposed, they shall be chosen by a show of hands. If there is equality of votes, the Chairman of the meeting shall have a casting vote.

7. A casual vacancy in the committee shall be filled in by the Council from amongst its members or non-members as the case may be, in the manner specified in rule 6 above.

8. The committee shall have the following powers and duties :

- (i) to make its recommendations to the Council for laying down the standards of legal education for the Universities;
- (ii) to visit and inspect Universities and report the results to the Council.
- (iii) to recommend to the Council the condition, if any, subject to which foreign qualifications in law obtained by persons other than citizens of India may be recognised for admission as Advocates under the Act;
- (iv) (a) to recommend to the Council for recognition of any degree in law of any University in the territory of India under section 24(1)(c)(iii) of the Act, and
(b) to recommend the discontinuance of any recognition already made by the Council.

9. The Disciplinary Committee :

- (a) Candidates for election to the Disciplinary Committee shall be proposed, and seconded, and in the case of contest, the election shall be decided by show of hands. In the case of equality of votes, the Chairman shall exercise his casting vote.
- (b) Any casual vacancy shall be filled in by the Council by election from amongst its members or non-members as the case may be.
- (c) The Council shall assign and allocate all matters relating to the disciplinary committees amongst them if more than one such committee is constituted, or is in existence.

CHAPTER V

Qualifications and Conditions of service of the Secretary, Accountant and other members of the Staff.

[Rules under Section 15(2)(k) of the Act]

Secretary :

1. The Secretary shall—

- (a) be a citizen of India;
- (b) be a law graduate or barrister-at-law;
- (c) have been either—
 - (i) Registrar of the Supreme Court or of a High Court in India, or
 - (ii) an advocate with 10 years' practice at the Bar, or
 - (iii) Secretary of a Bar Council for at least 10 years, and
- (d) be ordinarily not less than 40 years and not more than 50 years of age at the time of appointment.

Provided that if at any time, the Council considers that a person having the necessary qualifications is not available, it may relax any of the qualifications mentioned in sub-rule (c) and (d) of this rule.

2. The Secretary shall draw a salary in the grade of Rs. 1,000-60-1,600.

3. The Secretary shall be paid such allowances as the Council may determine from time to time.

4. The Secretary shall be the Chief Executive Officer of the Council and shall perform *inter alia* the following duties :—

- (i) attend all meetings of the Council or of the Committees unless otherwise directed;
- (ii) keep records and minutes of the proceedings of the Council and of its committees;
- (iii) keep in his custody the property of the Council including the seal of the Council;
- (iv) exercise general control and supervision over the employees of the Council;
- (v) arrange for the deposit of the monies received on behalf of the Council in Bank and see to the security of the cash in hand;
- (vi) act as Secretary of all committees and convene meetings of the Council or its committees, unless otherwise decided by the Council;
- (vii) appoint such temporary staff as may be necessary with the permission of the Chairman to transact urgent work;
- (viii) issue requisite notifications as prescribed and circulars as may be required;
- (ix) attend to the correspondence of the Council and of the committees;
- (x) act as Registrar of the Disciplinary Committees, issue notices and sub-poens and be in charge of all work in proceedings under Chapter V of the Act including the grant of certified copies of documents and evidence or statements of witnesses.
- (xi) grant certified copies of documents or other proceedings referred to in the Act or in these rules;
- (xii) shall be the custodian of the records, registers, accounts furniture, library and such other property as the Council might acquire from time to time;
- (xiii) perform such other duties as may be assigned to him by the Council or the committees, or the Chairman.

5. The Secretary shall retire on attaining the age of 60 years provided that the Council may extend his term by a period not exceeding 2 years if it thinks fit.

Accountant

6. The Accountant shall,—

- (a) be a citizen of India;
- (b) be a B.Com. of any University in India of its equivalent, and have served as an Accountant in a Limited Company or reputed commercial concern for not less than 5 years;
- (c) be ordinarily not less than 30 years of age, provided that if at any time the Council considers that a person having the necessary qualifications is not available, it may relax any of the qualifications mentioned in sub-rules (b) and (c).

7. The Accountant shall draw a salary in the grade of Rs. 280-20-620.

8. The Accountant shall be responsible for the maintenance of all the accounts of the Council and he may also be required by the Council or the Secretary to discharge such additional work of the Council as may be entrusted to him.

9. The Accountant shall retire on attaining the age of 60 years provided that the Council may extend his term by a period not exceeding two years if it thinks fit.

Allowances to Accountant and other staff

10. The Accountant and other permanent members of the staff shall be paid such allowances as the Council may determine from time to time.

Provident Fund, Gratuity and Conditions of service.

11. All the employees of the Council shall be entitled to the benefit of provident and gratuity in accordance with such rules as may be framed in that behalf by the Executive Committee.

12. All the employees of the Council shall be subject to such other conditions of service as to leave and such other matters as may be resolved in this behalf by the Executive Committee of the Council.

CHAPTER VI

Rules relating to Finance.

[Rules under Section 15(2)(1) (m) and (n) of the Act]

1. All monies received on behalf of the Council shall be acknowledged by a receipt signed by the Secretary or any other person authorised by the Executive Committee. Amounts received shall be credited into the account of the Council in the Bank on the next working day of the Bank.

2. The books of account and registers shall be strongly bound and paged. On the 1st or title page, the number of pages of the book or the register shall be entered and the entry shall be signed by the Secretary. Corrections in the entries shall be made in red ink and attested by the Accountant. Erasures shall on no account be permitted.

3. Receipt forms shall be numbered consecutively and bound into books of 100 forms each. On the front page of each book shall be entered the first and the last number of the receipts in that book. Receipts shall be in duplicate. The first part shall remain in the book and the second part shall be given to the payer. All receipts shall be signed by the Secretary or by such person as the Council may direct.

4. Payments of Rs. 50 and over shall ordinarily be by cheque.

5. Bills presented for payment shall be examined by the Accountant and on his being satisfied that the claim is admissible, and the payment is duly authorised, he shall pay the amount against a receipt. The entry in the account book shall show if the payment is made by cash or by cheque. The bill and the relevant receipt shall be pasted together and shall be numbered consecutively in the year as payment voucher and shall be pasted in a bound book.

6. Salary bills shall be in such form as the Executive Committee may direct.

7. A bill presented for payment three months after the money becomes due, shall not be paid without the sanction of the Executive Committee.

8. The Executive Committee may fix the amount of a permanent advance to be made to the Secretary to the Accountant as the case may be.

9. The Accountant shall maintain an acquittance register in the following form or in such other form as the auditor may direct :—

Name	Desi- gnation	Pay	Dearness Allowance etc	Total salary (add Cols. 3 and 4)	Contri- bution towards provident fund	Net salary payable (Col. 5 minus 6)
1	2	3	4	5	6	7
Instalment amount towards provident fund loan taken.		Amount of interest payable on the princi- pal loan amount outstanding		Total	Signature with date	
8	9	10	11			

10. All monies received and spent shall be immediately brought into account in the cash book and ledger. The cash book shall be balanced at the close of every month and signed by the Secretary, and the Accountant.

11. (a) (i) The Chairman, (ii) the Vice-Chairman, or (iii) any other person authorised by the Council shall be entitled to incur expenditure sanctioned in the budget without any further authority.

(b) The Chairman and/or the Vice-Chairman or any other person authorised by the Council, shall have authority to spend or incur expenditure of an emergent nature not provided for in the budget, not exceeding Rs. 2,000 a month for the purpose of the Council.

12. The Chairman and/or the Vice-Chairman shall be the authority to sanction travelling allowance and daily allowance bills of the members.

13. The accounts of the Council shall be audited once a year.

14. The annual statement of income and expenditure of the year so audited shall be laid before the Executive Committee not later than the 31st of July each year.

15. The funds of the Council may be invested as follows :—

- in the State Bank of India or such other scheduled bank as the Council may decide;
- in any of the securities specified in Section 20 of the Indian Trusts Act, 1882. as the Council may decide.

16. Budget estimates of income and expenditure for the coming year shall be made by the Executive Committee and laid before the Council for approval before the 31st March every year.

17. All cheques shall be signed or endorsed and all bills, notes and other negotiable instruments shall be drawn, accepted and made on behalf of the Council by the Chairman and/or the Vice-Chairman of the Council or such other member as may be authorised by the Council in that behalf.

18. All monies and securities belonging to the Council shall stand in the name of the Council.

19. The Council shall open a Provident Fund Account in a Bank authorised by the Council in accordance with the Provident Fund Rules.

CHAPTER VII

Miscellaneous : Publication of rules and other information, and date of coming into force of the rules.

[Rules under Sections 7 (m) and 49 (j) of the Act]

1. Unless the Council otherwise directs, all rules of the Council shall come into force on the date of their publication in the Gazette of India.

2. Information *inter alia*, on the following matters shall, unless the Council determines otherwise, be communicated to all the State Councils :—

- Election of Chairman, Vice-Chairman;
- Orders of the Council under proviso 1 to Section 26 of the Act, removal of name under Section 26A of the Act and orders on the matters dealt with under Sections 48A & 48B of the Act;
- Consent expressed under Section 27 of the Act to the Enrolment of a person whose application on a former occasion had been refused by a State Council;
- Orders of the disciplinary committees of the Council removing the name of a person from the roll suspending him from practice or imposing any other punishment under Section 36 or 37 of the Act;
- Decisions of the Council relating to recognition of degrees referred to in Section 24 (i)(c)(iii) or (iv), exemption under clause V of proviso to Section 24(1)(d) of the Act;
- Decisions of the Council or its committees on election disputes under rule 6 of the rules in Chapter I, Part II of these rules.

PART III

CERTAIN MATTERS RELATING TO STATE COUNCILS

CHAPTER I

Electoral Roll, disqualification of membership and vacation of office.

[Rules under Sections 3(4), 10A, 15(2)(a), 49(a) and 49(ab) of the Act]

1. Every advocate whose name is on the Electoral Roll of the State Council shall be entitled to vote at an election.

2. Subject to the provisions of rule 3, the name of every advocate entered in the State roll shall be entered in the electoral roll of the State Council.

3. The name of an advocate appearing in the State Roll shall not be entered on the electoral roll if,—

- he has at any time been suspended from practice;
- he is an undischarged insolvent;
- he has been found guilty of an election offence in regard to an election to the State Council by an Election Tribunal, provided however that

such disqualification shall not operate beyond the election next following after such finding has been made;

- (d) he is convicted by a competent court for an offence involving moral turpitude;
- (e) he is in full time service or is in such part time business or other vocation not permitted in the case of practising advocates by the rules either of the State Councils concerned or of the Council; or
- (f) he has intimated voluntary suspension of practice and has not given intimation of resumption of practice.

Preliminary Electoral Roll

4. (a) A preliminary electoral roll containing the names of all advocates whose names are required to be included under these rules shall be put up on the notice board of the State Council within 120 clear days before the expiry of the term of the members of the said State Council necessitating the election, and relevant portions thereof shall be sent to such Bar Associations as the Secretary considers fit.

Final Electoral Roll

(b) The final electoral roll shall be prepared after incorporating such changes as may be necessary including the addition of the names of Advocates enrolled after the preparation of the preliminary roll and put up on the notice board of the State Council not more than 75 clear days, and not less than 60 clear days, before the date of election. Intimation of such publication shall be given within a week after the publication to the Bar Associations aforesaid.

Preparation of Electoral Roll

5. The electoral roll of the State Council shall, *inter alia*, contain the following particulars :—

- (i) serial number,
- (ii) number on the State roll,
- (iii) name of advocate as on the roll, and
- (iv) address of the advocate.

Disqualification of membership

6. The nomination of any person who at the date of scrutiny thereof is subject to any of the disqualifications referred to in rule 3, shall be rejected.

7. An elected member of the State Council shall be deemed to have vacated his office—

- (a) if he is suspended from practice, or his name is removed from the roll by an order of a competent authority, or for any reason whatsoever he ceases to be an advocate,
- (b) if he is adjudicated as an insolvent, or
- (c) if his name is transferred to the roll of another State Council.

CHAPTER II

Rules to secure at least a minimum number of advocates of 10 years' standing

[Rules under proviso to Section 3(2) and Sections 3(5) and 49(ac) of the Act]

1. (a) These rules shall apply to the election of members of all the State Bar Councils in India.

(b) In the case of any repugnancy between these rules and any rule or rules of any of the State Bar Councils, these rules shall prevail and the rules framed by the State Bar Councils shall be void to the extent of such repugnancy.

2. The elections of members of the State Bar Councils shall be in conformity with the proviso to Section 3(2) of the Act and these rules.

2A. There shall be no limit to the number of candidates on the State rolls for at least 10 years that could be declared elected under these rules.

3. In the case of an election by a State Bar Council for electing all the members specified in Section 3(2)(b) of this Act, the following procedure shall be adopted in the counting of votes :

(a) *Election of candidates with quota.*—If, at the end of any count, or at the end of the transfer of any parcel or sub-parcel of an excluded candidate the value of the

voting papers credited to a candidate is equal to or greater than the quota, then, he shall be declared elected: Provided that—

(i) No candidate who has not been an advocate on the State rolls for at least 10 years shall be elected if 7 candidates of such standing in the case of the Bar Councils of Assam, Orissa and Delhi, or 10 candidates of such standing in the case of the other State Bar Councils had already been declared elected.

Illustration : At an election in the Bar Council of Uttar Pradesh where there are to be 20 elected members, 300 is arrived at as the value of the quota. At the end of one of the counts, there are 4 candidates who have been advocates for less than 10 years on the State roll, getting more than the quota, viz., 500, 400, 350 and 325. But 9 candidates of such standing had already been declared elected in the previous counts. Hence, only the candidates getting 500 can now be declared elected and the other 3 candidates excluded as provided for in rule 3(b) of these rules.

(ii) If at the end of any count, there are two or more candidates, who have not been on the State rolls for at least 10 years, getting more than the quota as aforesaid, but the number of candidates that can yet be elected from such category under the proviso to Section 3(2) is less than that number, the candidate who has obtained the greater value of votes shall be declared elected in preference to the candidate whose value of votes is less.

Illustration : At an election to the Bar Council of Delhi, where there are to be 15 elected members, 300 is the value arrived at for quota. 4 candidates who have been advocates on the State rolls for less than 10 years had been declared elected in the prior counts. Only 3 more such candidates can, therefore, be elected. But there are 5 such candidates getting more than the quota, viz., 400, 380, 370, 350 and 320. Under this proviso, those the value of whose votes are 400, 380 and 370 shall be declared elected, and the other two excluded as provided for in rule 3(b) of these rules.

(iii) In the case of two or more persons of the category referred to in proviso (ii) above, getting the same value of votes at the end of any count, the Secretary or other Returning Officer conducting the election shall decide by lot which of such persons shall be declared elected.

Illustration : The value of the quota arrived at is 300. Two candidates get 400 each. Under the Act and these rules only one of these can be elected. Hence a lot is to be drawn and only one of these declared elected and the other candidate has to be excluded.

(iv) The other candidate or candidates not declared elected as aforesaid by reason of the proviso to Section 3(2) of the Act and these rules shall be excluded from the poll as provided in Rule 3(b) of these rules.

Illustration : A, B, C and D, candidates who have been on the State Roll for less than 10 years get more than the quota. But by reason of Section 3(2) of the Act and these rules, A and B alone are declared elected. C and D are to be excluded.

(b) (1) *Exclusion of candidates lowest on poll or who have been on rolls for less than 10 years.*—The Secretary or Returning Officer conducting the election shall exclude from the poll—

(i) when there are two or more candidates who have obtained more than the quota—the candidate who cannot be declared elected under proviso (i) to rule (3)(a) of these rules;

(ii) the candidates lowest in the poll in the following order, after all the surpluses have been transferred as provided in the rules of the State Bar Council with regard to transfer of surplus, and the number of candidates elected is less than the required number, and after the exclusion from the poll, if any, under sub-clause (i) of this rule :

First such candidates as are advocates on a State roll for less than 10 years if the number of candidates who have been advocates on a State roll for at least 10 years as required by the proviso to Section 3(2) of the Act already declared elected is less than 8 in the case of the Bar Councils of Assam, Orissa and Delhi or less than 10 in the case of the other Bar Councils;

Next the other candidates.

Illustration : At an election to the Bar Council of Uttar Pradesh, 300 is arrived at as the quota. At the end of a count, when there is no further surplus to be distributed, M and N are the contesting candidates.

M (who has not been on the State rolls for at least 10 years) gets 150; and

N (who has been on the State rolls for more than 10 years) gets 100.

Only 9 candidates who have been advocates on a State roll for at least 10 years have already been declared elected. Hence M has to be excluded and the voting papers of M will be thereafter transferred as provided in these rules.

If in the same case 10 candidates who have been advocates on a State roll for at least 10 years had already been elected, N will be excluded. The voting papers of N will be transferred as provided in these rules.

(2) (i) The Secretary or other Returning Officer shall distribute the unexhausted papers of the candidates excluded under these rules among the continuing candidates according to the next preference recorded therein and all exhausted papers shall be set apart as finally dealt with.

(ii) The papers containing original votes of an excluded candidate shall first be transferred, to transfer value of each paper being one hundred.

(iii) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which and at the value at which he obtained them.

(iv) Each of such transfers shall be deemed to be a separate transfer, but not a separate count.

(v) If, as a result of the transfer of papers, the value of the votes obtained by a candidate is equal to or greater than the quota, the counting then proceeding shall be completed, but no further papers shall be transferred to him.

(vi) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidates lowest on the poll until such seat is filled either by the election of a candidate with the quota or as otherwise provided in these rules.

(vii) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom fewest original votes are recorded; and if the values of their original votes are equal, the candidate with the smallest value at the earliest count at which these candidates had unequal votes shall be excluded.

(viii) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Returning Officer shall decide by lot which candidate shall be excluded.

(ix) If during a count, any candidate getting the quota or more has to be excluded by reason of rule 3(a) above, the transfer of his votes shall be deferred and made immediately after the other candidates having got the above quota in that count are declared, and their votes transferred are provided for in these Rules.

(c) (1) *Filling last vacancies*—When at the end of any count the number of continuing candidates is reduced to the number of seats remaining unfilled, the continuing candidates shall be declared elected subject to the following :—

If the total number of candidates so far declared elected from amongst the advocates on the State Roll for at least 10 years at the relevant date is less than 8 in the case of the Bar Councils of Assam, Orissa and Delhi, and less than 10 in the case of the other Bar Councils, then, the requisite number of candidates of such standing shall first be declared elected and only the balance from amongst other candidates shall be declared elected.

(2) When at the end of any count only one seat remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected. Such candidate shall not, however, be declared elected if he

has been on the State roll for less than 10 years and if the total number of candidates so far declared elected from amongst advocates on the State roll for at least 10 years as provided in these rules, is less than 8 or 10 as aforesaid as the case may be.

(3) When at the end of any count only one seat remains unfilled and there are only 2 continuing candidates, and each of them has the same value of votes and no surplus papers can be transferred, the Returning Officer shall decide by lot which of them shall be excluded, and, after excluding him in the manner aforesaid declare the other candidate to be elected.

Provided that if the total number of candidates who have been on the State roll for at least 10 years on the relevant date so far elected is less than the required number, then that candidate who will be on the State roll for at least 10 years shall be declared elected and the other candidate shall be excluded.

(4) *Filling up vacancies or co-option.* In the case of any election to fill a vacancy amongst the members of the State Bar Council, or while co-opting a member, the State Bar Council shall conform to the requirements of Sec. 3(2) of the Act, and the principles laid down in these rules.

(5) *Particulars regarding seats to be filled.* In the case of every election of members of a State Bar Council, the State Bar Council shall—

(a) Notify the minimum number of seats that should be filled up from amongst advocates who, on the relevant date, will be advocates on a State roll for at least 10 years.

(b) require every candidate to specify in his nomination paper the date of his enrolment and the period for which his name had been on the roll of one or more High Courts under the Indian Bar Councils Act, 1926, and the roll or rolls of State Bar Councils under the Advocates Act, 1961, with full particulars thereof.

(c) indicate on the voting paper which of the candidates have been on a State roll for at least 10 years as required.

Provided that this rule shall not be applicable to any election held by any State Bar Council before the rules have come into force.

6. *Computation of period.* For the purpose of computing the minimum period of 10 years provided for in the proviso to Section 3(2) of the Act, and these rules—

(i) the period during which an advocate may have been on the roll of any other State Bar Council or Councils or on the roll of any High Court or High Courts under the Indian Bar Councils Act, 1926, shall be taken into account, and

(ii) the period shall be computed as on the last date notified for receiving the nominations for the election.

PART IV

EXEMPTION FROM TRAINING

CHAPTER I

Exemption from Training and Examination under clause

(v) of proviso to Section 24(1)(d) of the Act.

The following category of persons are exempted under clause (v) of the proviso to Section 24(1)(d) of the Act :—

Persons who had obtained the degree in law on the results of an examination held before the 31st of December, 1964 from any University recognised by the Council under Section 24(1)(c) of the Act, if such persons were practising law before the said date.

CHAPTER II

"Later date" for exemption from Training and examination

[Rule under clause (i) of proviso to Section 24(1)(d) of the Act].

1. Exemption from training—for the purposes of clause (i) of proviso to Section 24(1)(d) of the Act, the Bar Council of India prescribes the 31st day of December, 1964 as the later date mentioned therein.

PART V

THE STATE ROLL, COMMON ROLL AND SENIORITY

CHAPTER I

Preparation and maintenance of the State Roll and the Common Roll.

[Rules under Sections 17, 19, 20 and 22 of the Act]

A.—State Roll

1. (a) The Council may, from time to time, give directions as to the manner in which the State Councils shall prepare and maintain the Rolls under section 17 of the Act.
- (b) The copies of the State Rolls to be sent under section 19 of the Act shall be in form 'A' as set out in the rules at the end of this chapter and shall contain such further details as the Council may specify.
2. Particulars as to transfer under section 18 of the Act, cancellation directed under proviso to section 26(i) of the Act, removal of name under section 26A or otherwise, suspension or any other punishment given by an order under Chapter V, particular as to the result of an appeal under sections 37 or 38 of the Act or any other proceeding of the court and of any order of the Council in exercise of its powers under section 48A, or any other matter which the Council may specifically direct, shall be noted in the said rolls.
3. Save as otherwise directed by the Council, no other entry shall be made in the said roll, and any other information that may be considered necessary with reference to any advocate shall be entered separately in such manner as the Council may direct.

4. Every page of the roll shall bear the signature of the Secretary or other person authorised by the State Council, or their facsimile thereof.

5. On the coming into force of section 30 of the Act the State Council shall, as soon as possible after the entry in the roll of an advocate under section 24 of the Act, send to the Council, an authenticated copy of the Roll together with two additional copies thereof along with a covering letter to that effect.

6. A rubber stamp bearing the words "Entered in the Common Roll" shall be affixed on the additional copies received under rule 5, and the Secretary or other person authorised by the Council in this behalf, shall also sign them or put his facsimile thereon. One of the additional copies received under rule 5 shall be sent back to the State Council concerned.

7. The State Councils shall preserve the copies sent back to them by the Council under rule 6, and shall thereafter publish a notice on their notice board in Form 'B' as set out in the Annexure in this chapter, and also inform the advocates concerned accordingly.

B.—Common Roll.

8. (a) The Common Roll, in respect of advocates entitled to practise in the Supreme Court whose names are not entered in any State Roll as mentioned in section 20 of the Act, shall contain the entries as laid down in Form 'C' in the Annexure in this chapter.
- (b) The Secretary shall maintain a Common Roll of advocates as enjoined by section 20 of the Act.
9. The certificate to be issued by the Council under section 22(ii) of the Act shall be in the Forms D1 or D2 in the Annexure in this chapter as the case may be.

FORM A

(Under Rule 1(b) of Chapter I Part V)

Part I/II.

Copy of Roll under Section 17(1)(a)/(b) of the Advocates Act, 1961 of the Bar Council of sent under Sec. 19 of the Advocates Act, 1961.

S. No.	Name	Address	Date of enrolment under the Bar Council's Act/ Advocates Act	Date of entry as vakil, pleader or attorney, if any	Date of birth	Date of transfer if any	If enrolled in the Supreme Court, date of such enrolment	Date of enrolment as Senior Advocate in case designated as such on or after 1-12-1961	Remarks (Particulars envisaged under Rule 2)
1	2	3	4	5	6	7	8	8A	9

Form to be in force from a date to be notified

FORM A

(Under Rule 5 in Chapter I Part V)

Part I

Copy of Roll of the Bar Council of under Section 17(1)(b) of the Advocates Act, 1961 sent under Section 19 of the Advocates Act, 1961.

Roll No.	Name and Address	Date of enrolment under the Bar Councils Act/Advocates Act etc. with details	Date of designation as Senior Advocate and particulars by whom designated	Date of birth	Date of transfer if any	Remarks
1	2	3	4	5	6	7

Form to be in force from a date to be notified

FORM A

(Under Rule 5 of Chapter I Part V)

Part II

Copy of Roll under Section 17(1)(b) of the Bar Council of sent under Section 19 of the Advocates Act, 1961

Roll No.	Name and Address	Date of enrolment under the Advocates Act, 1961	Date of birth	Date of transfer, if any, and particulars	*Remarks
1	2	3	4	5	6

*Particulars should be entered in the remarks column by persons enrolled under section 24(3).

FORM B

(Under Rule 7 Chapter I Part V)

THE BAR COUNCIL OF.....
Intimation of Entry in Common Roll

The names of the following persons admitted as advocates by the State Council have been entered in the Common Roll prepared and maintained by the Bar Council of India under section 20 of the Advocates Act, 1961.

S. No	Roll Number	Name (as in full)	Date of enrolment in the State Council	Date of entry in the Common Roll	Any other particulars
1	2	3	4	5	6

Date.....

Secretary,
Bar Council of.....

FORM C

THE BAR COUNCIL OF INDIA
(Under Rule 8(a) Chapter I Part V)

Common Roll : Names of persons whose names are not entered in any State Roll (See section 20 of the Advocates Act, 1961).
PART I

No. in Common Roll	Name of advocate & address	Date of enrolment as advocate, Name of High Court or Judicial Commissioner's Court	Date of enrolment as Senior Advocate	Date of birth	Remarks
1	2	3	4	5	6

PART II

No. in Common Roll	Name of Advocate & Address	Date of enrolment in Supreme Federal Court	Date of enrolment in High Court or Judicial Commissioner's Court	Date of birth	Remarks
1	2	3	4	5	6

FORM D1

(Under Rule 9 in Chapter I Part V)
THE BAR COUNCIL OF INDIA

Certificate under section 22(ii) of the Advocates Act 1961.

This is to certify that the name of.....
.....Senior Advocate of the Supreme Court is entered in the Common Roll in Part I at Serial No.....maintained under section 20 of the Advocates Act, 1961.
New Delhi,

dated :

Chairman

FORM D2

(Under Rule 9 in Chapter I Part V)
THE BAR COUNCIL OF INDIA

Certificate under section 22(ii) of the Advocate Act 1961.

This is to certify that the name of.....
.....advocate of the Supreme Court is entered in the Common Roll in Part II at Serial No.....maintained under section 20 of the Advocates Act, 1961.
New Delhi,

dated :

Chairman

CHAPTER II

Prevention of entry in more than one roll

[Rules under Section 17(4) and 49(ad) of the Act]

1. The rules of every State Council shall provide *inter alla*, for a declaration in its form of application for enrolment—

- (i) that the name of the applicant is not on the roll of any other State Council, and

L209/GI/65

- (ii) that the applicant will not, so long as his name is on the roll of one of the State Councils, apply for enrolment to any other State Council.

The Council may, on receipt of information that the name of any person is entered on the roll of more than one State Council, after hearing the person concerned, remove his name from any of the rolls on which his name appears and take such other action against him as may be called for.

CHAPTER III

Transfer of name from one State Roll to another
[Rules under sections 18 and 49(b) of the Act]

1. Any person whose name is entered on any State Roll may make an application to the Council for transfer under section 18 of the Act in Form 'E' in the Annexure to this chapter. The application shall be accompanied by (i) a certified copy of the entry in the State Roll relating to the applicant and (ii) a certificate from the State Council stating that his certificate of enrolment has not been recalled, that the applicant is entitled to practise on the date of his application, that there are no disciplinary proceedings pending against the applicant and that it has no objection to the transfer being ordered.

On receipt of an application for transfer, the Secretary shall enquire from the State Council concerned whether they have any objections to the transfer being granted, and he shall thereafter place the papers for disposal before the Council or a Committee constituted for the purpose. If the Committee considers that the application shall be refused, the matter should be referred to the Council for orders.

FORM E

(Under Rule 1 in chapter III Part V)

THE BAR COUNCIL OF INDIA

Application for transfer to another Roll under sections 18 and 49(b) of the Advocates Act, 1961.

From

To

The Secretary,
The Bar Council of India,
Supreme Court Building,
NEW DELHI-1.

Sir,

1. I request the transfer of my name from the roll of the Bar Council of _____ to the roll of the Bar Council of _____ under section 18 of the Act for the reasons set out by me in this application.

2. I was enrolled in the Bar Council of _____ on _____.

3. My name is entered on the roll of the said Bar Council as _____ and my roll No. is _____.

4. I state that prior to my enrolment as aforesaid, in the Bar Council of _____ I did not make any application for enrolment to any other State Bar Council, and that no such application was either withdrawn, refused or dismissed.

(If any prior application had been made details should be given here).

5. I state that there are/are no disciplinary proceedings against me in any State Bar Council.

6. The reasons for my application for transfer are as follows :

(If the application for transfer is made within 2 years of the date of enrolment, applicant should state the reason why even at the first instance he did not apply for enrolment to the Bar Council to which transfer is sought).

7. After the transfer of my name to the roll of the Bar Council _____, I intend to practise ordinarily at _____. My permanent address after transfer will be _____

8. I undertake to communicate to the State Bar Council to which my name is to be transferred, any change in the said address.

9. Till the transfer is effected all communications may please be sent to the following address :

I undertake to furnish any further information that may be necessary in reply to any communication that may be sent to the said address till the transfer is ordered.

10. I enclose herewith :—

- (i) A certified copy of the entry in the State Roll.
- (ii) A certificate from the State Bar Council as prescribed in Rule _____.

I hereby declare that the facts stated herein are true.

Signature of the Advocate
(Applicant)

Place :

Date :

CHAPTER IV

Seniority in the State Roll and Common Roll

[Rules under Sections 17(3), 20(3) and 49(ae) of the Act]

A. Seniority in State Roll

1. Seniority of Vakils, Pleaders and Attorneys not entitled to practise in the High Court : The seniority of a Vakil, Pleader or Attorney, who was not entitled to practise in the High Court, and who was enrolled as an advocate immediately before the appointed day, or who is enrolled after that day shall be determined according to the date of enrolment as advocate.

2. Seniority of other Advocates.—The seniority of other advocates referred to in section 17(1)(a) shall—

- (a) in the case of persons whose names were entered in rolls under section 8(3)(a) of the Indian Bar Councils Act, 1926, be the date from which their seniority was reckoned in the said rolls;
- (b) in the case of persons admitted as advocates under section 58A of the Act, be the dates of their first admission advocate, vakil or pleader, if by reason of such admission they were entitled to practise in the High Court of Allahabad or the Chief Court of Oudh or the other High Courts or the Judicial Commissioner's Courts mentioned in sub-sections (2), (3) and (4) of the said section 58A.
- (c) In the case of other persons, be determined in accordance with the date of enrolment under the Indian Bar Councils Act, 1926.

Proviso to (a) (b) and (c)—Provided that in the case of a person whose name had been entered on the rolls of more than one High Court, the date as shown in the High Court in which he was first enrolled shall be taken as the date for entry for purposes of seniority in the rolls under section 17(1)(a) of the Advocates Act, 1961.

3. In cases not covered by any of the previous rules in the chapter, or in the case of doubt, the seniority shall, on a reference by a State Council, be according to the date as may be determined by the Bar Council of India.

4. Seniority of Senior Advocates of the Supreme Court : The seniority of a Senior Advocate enrolled before the appointed day shall be determined in accordance with the date of his enrolment as senior advocate.

B. Seniority in Common Roll

5. The seniority of a Senior Advocate referred to in section 20(3)(b) of the Act shall be determined in accordance with the date of his enrolment as Senior Advocate.

6. With reference to persons referred to in section 20(3)(a) of the Act, in the case of an Advocate whose name was entered in the rolls of more than one High Court, the date of enrolment in the High Court in which he was first enrolled shall be taken as the date for determining the seniority, notwithstanding the fact that his name was removed from that roll by reason of his enrolment in another High Court.

PART VI

RULES GOVERNING ADVOCATES

CHAPTER I

Restrictions on Senior Advocates

[Rules under Section 16(3) and 49(g) of the Act]

Senior Advocates shall, in the matter of their practice of the profession of law mentioned in Section 30 of the Act, be subject to the following restrictions :—

- (a) A senior advocate shall not file a vikalat or act in any Court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act.

Explanation :—"To Act" means to file an appearance or any pleading or application in any Court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act, or to do any act other than pleading required or authorised by law to be done by a party in such Court, or Tribunal, or before any person

or other authority mentioned in the said Section either in person or by his recognised agent or by an advocate or an attorney on his behalf:

- (b) (i) A Senior Advocate shall not appear without an Advocate on Record in the Supreme Court or without an advocate in Part II of the Common Roll in any Court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act.
- (ii) Where a Senior Advocate has been engaged prior to the coming into force of the Rules in this Chapter, he shall not continue thereafter unless an advocate in Part II of the Common Roll is engaged along with him. Provided that a senior advocate may continue to appear without an advocate in Part II of the Common Roll in cases in which he had been briefed to appear for the prosecution or the defence in a criminal case, if he was so briefed before he is designated as a Senior Advocate or before coming into operation of the Rules in this Chapter as the case may be.
- (c) He shall not accept instructions to draft pleadings or affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court, or Tribunal, or before any person or other authority mentioned in Section 30 of the Act or undertake conveyancing work of any kind whatsoever. This restriction however shall not extend to settling any such matter as aforesaid in consultation with an advocate in Part II of the Common Roll.
- (d) He shall not accept directly from a client any brief or instructions to appear in any Court, or Tribunal, or before any person or other authority in India.
- (e) A senior advocate who had acted as an Advocate (Junior) in a case, shall not after he has been designated as a Senior Advocate, advise on grounds of appeal or appear in a court of appeal or in the Supreme Court, except with an advocate as aforesaid.
- (f) A Senior Advocate may in recognition of the services rendered by an advocate in Part II of the Common Roll appearing in any matter pay him a fee which he considers reasonable.

CHAPTER II

Standards of Processional Conduct and Etiquette

[Rules under Section 49(c) of the Act]

Preamble

An Advocate shall, at all times, comport himself in a manner befitting his status as an officer of the court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an advocate. Without prejudice to the generality of the foregoing obligation, an Advocate shall fearlessly uphold the interests of his client, and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

Section I—Duty to the Court

1. An Advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.
2. An Advocate shall maintain towards the courts a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.
3. An Advocate shall not influence the decision of a court by any illegal or improper means. Private communications with a judge relating to a pending cause are forbidden.

4. An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or from doing anything in relation to the court, opposing counsel or parties which the Advocate himself ought not to do. An Advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth-piece of the client, and shall exercise his own judgment in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court.

5. An Advocate shall appear in court at all times only in the prescribed dress, and his appearance shall always be presentable.

6. An Advocate shall not practise before a Judge sitting alone or a Bench of Judges, if the Judge or any member of the Bench is related to the Advocate as husband, father, grandfather, son, grandson, brother, father-in-law, son-in-law, brother-in-law, uncle, nephew, first cousin, wife, mother, daughter, sister, mother-in-law, daughter-in-law, sister-in-law, aunt or niece.

7. An Advocate shall not wear bands or gown in public places other than in courts except on such ceremonial occasions, and at such places as the Bar Council of India or the Court may prescribe.

8. An Advocate shall not appear in or before any Court or tribunal or any other authority for or against an organisation of an institution, society or corporation, if he is a member of the Executive Committee of such organisation or institution or society or corporation. "Executive Committee", by whatever name it may be called, shall include any committee or body of persons which, for the time being, is vested with the general management of the affairs of the organisation or institution, society or corporation.

9. An Advocate should not act or plead in any matter in which he is himself pecuniarily interested.

Illustration :

I. He should not act in a bankruptcy petition when he himself is also a creditor of the bankrupt.

II. He should not accept a brief from a company of which he is a director.

10. An Advocate shall not stand as a surety, or certify the soundness of a surety, for his client required for the purpose of any legal proceedings.

Section II—Duty to the Client

11. An Advocate is bound to accept any brief in the Courts or tribunals or before any other authority in or before which he professes to practise at a free consistent with his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

12. An Advocate shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as has not been earned.

13. An Advocate should not accept a brief or appear in a case in which he has reason to believe that he will be a witness, and if being engaged in a case, it becomes apparent that he is a witness on a material question of fact, he should not continue to appear as an Advocate if he can retire without jeopardising his client's interests.

14. An Advocate shall, at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosures to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client's judgment in either engaging him or continuing the engagement.

15. It shall be the duty of an Advocate fearlessly to uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law which requires that no man should be convicted without adequate evidence.

16. An Advocate appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to conviction of the innocent. The suppression of material capable of establishing the innocence of the accused shall be scrupulously avoided.

17. An Advocate shall not, directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act.

18. An Advocate shall not, at any time, be a party to fomenting of litigation.

19. An Advocate shall not act on the instructions of any person other than his client or his authorised agent.

20. An Advocate shall not stipulate for a fee contingent on the results of litigation or agree to share the proceeds thereof.

21. An Advocate shall not buy or traffic in or stipulate for or agree to receive any share or interest in any actionable claim. Nothing in this Rule shall apply to stock, shares and debentures or government securities, or to any instruments which are, for the time being, by law or custom, negotiable or to any mercantile document of title to goods.

22. An Advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in the execution of a decree of order in any suit, appeal or other proceeding in which he was in any way professionally engaged. This prohibition, however, does not prevent an Advocate from bidding for or purchasing for his client any property which his client may himself legally bid for or purchase, provided the Advocate is expressly authorised in writing in this behalf.

23. An Advocate shall not adjust fees payable to him by his client against his own personal liability to the client, which liability does not arise in the course of his employment as an Advocate.

24. An Advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client.

25. An Advocate should keep accounts of the client's money entrusted to him, and the accounts should show the amounts received from the client or on his behalf the expenses incurred for him and the debits made on account of fees with respective dates and all other necessary particulars.

26. Where moneys are received from or on account of a client, the entries in the accounts should contain a reference as to whether the amounts have been received for fees or expenses, and during the course of the proceedings, no Advocate shall, except with the consent in writing of the client concerned, be at liberty to divert any portion of the expenses towards fees.

27. Where any amount is received or given to him on behalf of his client, the fact of such receipt must be intimated to the client, as early as possible.

28. After the termination of the proceeding, the Advocate shall be at liberty to appropriate towards the settled fee due to him, any sum remaining unexpended out of the amount paid or sent to him for expenses, or any amount that has come into his hands in that proceedings.

29. Where the fee has been left unsettled, the Advocate shall be entitled to deduct out of any moneys of the client remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of court in force for the time being, or by then settled and the balance, if any, shall be refunded to the client.

30. A copy of the client's account shall be furnished to him on demand provided the necessary copying charge is paid.

31. An Advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

32. An Advocate shall not lend money to his client for the purpose of any action or legal proceedings in which he is engaged by such client.

*Explanation :—*An Advocate shall not be held guilty of a breach of this rule, if, in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the Advocate feels compelled by reason of the rule of the court, to make a payment to the court on account of the client for the progress of the suit or proceeding.

33. An Advocate who has, at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or plead for the opposite party.

Section III—Duty to Opponent

34. An Advocate shall not in any way communicate or negotiate upon the subject-matter of controversy with any party represented by an Advocate except through that Advocate.

35. An Advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the court.

Section IV—Duty to colleagues

36. An Advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or procuring his photograph to be published in connection with cases in which he has been engaged or concerned. His sign-board or name-plate should be of a reasonable size. The sign-board or name-plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of work or that he has been a Judge or an Advocate General.

37. An Advocate shall not permit his professional services or his name to be used in aid of, or to make possible, the unauthorised practice of law by any lay agency.

38. An Advocate shall not accept a fee less than the fee taxable under the rules when the client is able to pay the same.

39. An Advocate shall not enter appearance in any case in which there is already an Advocate on record except with his consent.

Section V—Restrictions on other employments

40. An Advocate shall not personally engage in any business; but he must be a sleeping partner in a firm doing business provided that, in the opinion of the appropriate State Bar Council, the nature of the business is not inconsistent with the dignity of the profession.

41. An Advocate may be a Director or Chairman of the Board of Directors of a Company with or without any ordinary sitting fee, provided none of his duties are of an executive character. An Advocate shall not be a Managing Director or a Secretary of any Company.

42. An Advocate shall not be a full-time salaried employee of any person, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears, and shall thereupon cease to practise as an Advocate so long as he continues in such employment.

43. An Advocate who has inherited, or succeeded by survivorship to, a family business may continue it, but may not personally participate in the management thereof. He may continue to hold a share with others in any business which has descended to him by survivorship or inheritance or by will, provided he does not personally participate in the management thereof.

44. An Advocate may review Parliamentary Bills for a remuneration, edit legal text-books at a salary, do 'Press vetting' for newspapers, coach pupils for legal examinations, set and examine question papers; and, subject to the rules against advertising and full-time employment, engage in broadcasting, journalism, lecturing and teaching subjects, both legal and non-legal.

CHAPTER III

Conditions for right to practice

[Rules under Section 49(ah) of the Act]

1. Every advocate shall be under an obligation to see that his name appears on the roll of the State Council within whose jurisdiction he ordinarily practises. Provided that this rule shall not apply to advocates whose names are entered in the common roll and are not entered in any State roll.

2. Every Advocate shall keep informed the Bar Council on the roll of which his name stands, of every change of his address.

3. The Council or a State Council can call upon an advocate to furnish the name of the State Council on the roll of which his name is entered, and call for other particulars.

4. (a) Any advocate who voluntarily suspends practice for any reason whatsoever shall intimate such suspension to the State Council in the roll of which his name is entered. In the case of an advocate whose name is in the common roll and is not entered in any State roll, intimation of such suspension shall be given to the Council.

(b) A similar intimation shall be given by every advocate on resumption of practice.

5. (a) An advocate whose name has been removed by order of the Supreme Court or a High Court or the Bar Council as the case may be, shall not be entitled to practise the profession of law either before the Courts and authorities mentioned under Section 30 of the Act, or in chambers, or otherwise.

(b) An advocate who is under suspension, shall be under the same disability during the period of such suspension as an advocate whose name has been removed from the roll.

PART VII

PROCEDURE TO BE FOLLOWED BY DISCIPLINARY COMMITTEES OF THE STATE BAR COUNCILS, AND THE BAR COUNCIL OF INDIA

[Rules under Section 49(f) of the Act]

A. Matters arising under Sections 35 and 36 of the Act

1. A complaint against an advocate shall be in the form of a petition duly signed and verified as required under the Code of Civil Procedure. If the complaint is not in English, a translation thereof in English shall be filed along with the same.

Every complaint shall be accompanied by the fee as prescribed in the rules framed under section 49(h) of the Act.

2. (i) If after a perusal of the complaint and the other records referred to it, and the further explanation of the complaint, if any, the Disciplinary Committee does not summarily reject the complaint, and (ii) in all cases *suo moto* referred to the Disciplinary Committee by the Bar Council of India, or the State Bar Council, as the case may be, a date shall be fixed for the hearing of the case and notices of the hearing shall be sent in Forms 'F' and 'G' in the annexure in this Chapter.

3. At the hearing, the complainant or the person if any, who is aggrieved by the misconduct of the advocate, shall be entitled to appear in person or by Counsel in support of the complaint. Where the complainant or the aggrieved party does not appear in person or by counsel, the Bar Council may proceed with the matter and in a fit case may appoint a counsel for assisting the Council on payment of fees if necessary.

4. Notices issued under these rules shall ordinarily be sent by registered post (acknowledgement due) or in such other manner as the Committee may direct.

5. In the proceedings under these rules, the parties may be directed to serve or file such number of copies of the complaint or other documents as may be necessary.

6. The Chairman of the Disciplinary Committee shall fix a date, hour and place of the enquiry which shall not ordinarily be later than sixty days from the receipt of the reference. The Secretary shall give notice of such date, hour and place to the complainant or other person aggrieved, the Advocate concerned and the Attorney General or the Additional Solicitor General of India or the Advocate General as the case may be, and shall also serve on them copies of the complaint and such other documents as the Chairman of the Committee may direct at least 15 days before the date fixed for the enquiry.

7. The Advocate concerned shall submit his statement of defence together with any documents or affidavits in support of his defence within a time which shall be intimated to him in or at the same time as the notice referred to above. The complainant or the person aggrieved shall be entitled to file a reply together with such documents on which he proposes to rely in support thereof within such time as may be allowed by the Chairman of the Disciplinary Committee.

8. In any such enquiry, the advocate concerned may appear either in person or by counsel.

9. The Disciplinary Committee shall hear the Attorney General, or the Additional Solicitor General of India, or the Advocate General, as the case may be or their counsel, and the parties or their counsel, and determine the matter on documents and affidavits unless it is of the opinion that it should be in the interest of justice to permit cross-examination of the deponents or to take oral evidence, in which case the procedure followed for the trial of civil suits, shall as far as possible be followed.

10. The finding of the majority of the members of the Disciplinary Committee shall be the finding of the Committee. The reasons given in support of the finding may be given in the form of a judgment, and in the case of a difference of opinion, any member dissenting shall be entitled to record his dissent giving his own reasons. It shall be competent for the Disciplinary Committee to award such costs as it thinks fit. The Disciplinary Committee may make any of the orders which it is entitled to make under the Act.

The order of the Disciplinary Committee shall be communicated to the complainant, or the aggrieved party, and the advocate concerned as soon as may be, by the Secretary.

11. The parties shall be entitled to obtain copies of the documents, affidavits and oral evidence, if any on payment of such fees as are prescribed.

12. (a) Evidence given before the Disciplinary Committee shall be recorded in English either by a shorthand writer or by any other person authorised by the Committee in such manner as it may direct.

(b) The evidence whether taken by the shorthand writer or other person or the Chairman or the member shall be signed by the Chairman or any member of the Disciplinary Committee chosen by the Chairman and shall form part of the record.

13. (a) Whenever any Disciplinary Committee, after having heard and recorded the whole or any of the evidence in an enquiry or trial ceases to exercise jurisdiction therein and is succeeded by another Disciplinary Committee which has and which exercises such jurisdiction, the Disciplinary Committee so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by itself, provided that if the succeeding Disciplinary Committee is of the opinion that further examination of any of the witnesses whose evidence has also been recorded, is necessary in the interest of justice, it may resubmit any such witness and after such further examination, cross-examination and re-examination, if any, as it may permit the witness shall be discharged.

(b) When a case is withdrawn by a Disciplinary Committee of the Bar Council of India from a Disciplinary Committee of a State Bar Council the latter shall be deemed to have ceased to exercise jurisdiction therein and to have been succeeded by the former within the above meaning.

B. Appeals to the Bar Council of India under Sec. 37 of the Act

14. An appeal provided for under section 37 of the Act, shall be in the form of a memorandum in writing. If the appeal is in a language other than English, it shall be accompanied by a translation thereof in English.

15. (a) Every appellant shall file with the memorandum of appeal,—

(i) an authenticated copy of the order appealed against;

(ii) five additional copies of the memorandum of appeal if there is only one respondent, and if there is more than one respondent, such number of additional copies as there are respondents.

(b) Every memorandum of appeal shall be accompanied by the fee prescribed which may be paid in cash or sent by money order.

(c) Every appellant shall state in his memorandum of appeal how his appeal is within time.

16. An appeal may be presented by the appellant or by his recognised agent to the office of the Bar Council of India, or sent by registered post acknowledgement due so as to reach the Secretary, Bar Council of India on or before the last day of limitation.

Every appeal filed after the expiry of the period of limitation shall be accompanied by a petition for extending the period of limitation supported by a proper affidavit.

17. The Chairman of the Disciplinary Committee shall fix the date, hour and place for the hearing of the appeal.

18. The Secretary shall cause—

- (i) the date fixed for the hearing of the appeal to be communicated to the appellant, or his recognised agent, and
- (ii) notices of appeal with a copy of the memorandum of appeal to be served on the respondent or respondents as the case may be.

19. The parties can appear in person or by an advocate. Service on the advocate shall be deemed to be service on the parties, and no personal service on the party shall be necessary.

20. The Secretary shall issue notices to the State Council or the State Councils concerned for the original records to be produced.

C. Preliminary directions on appeal and applications for stay or other interlocutory relief

21. An application for stay shall be accompanied by an affidavit and the fee, if any, prescribed by the rules of the Council made under section 49(h) of the Act. Where the affidavit is not in English, a translation thereof in English shall be filed. The applicant shall file with his application at least 5 copies of the application, and the affidavit and as many additional copies thereof as there are respondents. Where the application is not in English, 5 copies of the English translation thereof shall also be filed.

22. For the purpose of giving any preliminary directions in respect of any appeal filed before the Disciplinary Committee, or of any application for stay or other interlocutory relief in any such appeal, it shall not be necessary for the Disciplinary Committee to meet; appropriate orders thereon may be passed by circulation.

23. The order of the disciplinary committee disposing of the appeal shall be communicated to the parties.

FORM F

(Under Rule 2 in Part VII)

Notice of hearing of Complaint under section 35/36 of the Advocates Act, 1961, and Rule 2, Part VII of the Rules of the Bar Council of India

BEFORE THE DISCIPLINARY COMMITTEE OF THE BAR COUNCIL OF

D.C. ENQUIRY No. /196 .

..... Complainant
(with Address)

vs.

..... Respondent/s
(with Address)

WHEREAS a complaint dated.....against respondent/s, a copy of which is sent herewith, has been referred for disposal to the above Committee of the Bar Council.....under section 35/36 of the Advocates Act, 1961 and the Disciplinary Committee, has fixed.....(time) on.....(date) for the hearing of the case at.....(place) in accordance with the procedure prescribed under the relevant rules of the Council.

2. The Respondent shall submit his statement of defence together with any documents or affidavits in support of his defence within.....days from the date of this notice. The Complainant shall be entitled to file a reply to the statement of defence together with such documents on which he proposes to rely in support thereof within.....days.

3. The parties above-named are required to appear in person or through counsel before the said Committee on the said date, time and place or any other date or dates and place to which the matter may be adjourned. It shall be open to the parties to examine the witnesses that may be permitted before the Disciplinary Committee.

4. If, on any date of hearing any party is absent, the hearing will proceed *ex parte* against him.

5.is required to file.....copies of.....to the.....to the Secretary, Bar Council of.....on or before.....

Dated this the.....day of the month.....
.... 196 .

By Order

Secretary

Bar Council of.....

FORM G

(Under Rule 2 in Part VII)

From

The Secretary,
Bar Council of.....

To

The Attorney General/Advocate General,
Additional Solicitor General of India.

Notice under Section 35/36 of the Advocates Act, 1961

Sir,

Please find enclosed copy of a notice dated.....issued under Sec. 35/36 of the Advocates Act, 1961 for the hearing of a case before the Disciplinary Committee of the Bar Council of.....

Date :

Place :

Secretary

Bar Council of.....

PART VIII

FEES LEVIABLE UNDER THE ACT

[Rules under Section 49(h) of the Act]

1. A State Council may levy fees, not exceeding the limits prescribed hereunder, in any of the following matters :—

- | | <i>per paper</i> |
|--|------------------|
| (a) Petition challenging the election of one or all the members of the State Bar Council | Rs. 50/- |
| (b) For admission of a candidate to a course of lectures on the subjects prescribed under the rules of the Council | Rs. 50/- |
| (c) For the examination conducted by the State Council, on all the subjects for an examination | Rs. 100/- |
| (d) For appearing separately for one or more papers at an examination | Rs. 20/- |
| (e) For a complaint of professional misconduct under section 35 of the Act | Rs. 25/- |

Provided that no fee shall be leviable on complaints made by any court or tribunal, or in respect of cases falling within the provisions of the Advocates (Removal of Difficulties) No. 2 Order, 1963.

- | | |
|---|----------|
| (f) For a certificate as to the date of enrolment and the continuance of the name of the advocate on the roll | Rs. 5/- |
| (g) For the requisite certificates required to be produced with the transfer application under section 18 of the Act. | Rs. 10/- |
| (h) For inspection by the complainant or the concerned advocates, of documents relating to disciplinary matters | Re. 1/- |
| (i) For inspection of the roll of advocates or the voters list | Rs. 2/- |

2. A fee as specified hereunder shall be paid in the following matters :—

- (a) On a complaint of professional misconduct preferred under section 36 of the Act .. Rs. 25.00

Provided that no fee shall be leviable on complaints made by any court or tribunal, or in respect of cases falling within the provisions of the Advocates (Removal of Difficulties) No. 2 Order, 1963.

- (b) On an appeal filed under section 37 of the Act .. Rs. 50.00
(c) An application for stay made to the Council under section 40 of the Act .. Rs. 10.00

3. (a) Every application for an authenticated copy of any certificate, order or other proceeding, entry on any roll or a list of marks, or any document or deposition in a disciplinary proceeding, before a State Council or the Council shall be accompanied by a fee of Re. 1.00 and the copying charges as follows :—

- Every exemplification of the order or other documents in addition to the folio and other charges .. Rs. 2.00
Copying charges for a folio .. Re. 0.62

A Folio shall be deemed to consist of two hundred words; seven figures shall be counted as one word; and more than half a folio shall be reckoned as a folio.

(b) In disciplinary proceedings, summons to witnesses shall only be issued on payment of requisite batta and/or charges according to the rates prescribed by the High Court, in the case of a State Council and the Supreme Court in the case of the Council as the case may be.

(c) Every interlocutory application, including a petition for excusing delay or for obtaining stay of proceedings of a disciplinary committee, shall be accompanied by a fee of Rs. 2.00 in the case of the Disciplinary Committee of a State Council, and a fee of Rs. 5.00 in the case of the Disciplinary Committee of the Council.

PART IX

GENERAL PRINCIPLES TO BE FOLLOWED BY STATE BAR COUNCILS AND THE BAR COUNCIL OF INDIA AND RULES FOR SUPERVISION AND CONTROL BY THE BAR COUNCIL OF INDIA

[Rules under Section 49(i), and (j) of the Act]

Election

1. The election of members to State Councils shall only be by secret, personal ballot. There shall be no voting by post.

2. The notice of election of members of the State Councils and the results of the elections shall be published in the State Government Gazette or Gazettes as the case may be.

3. A State Council may require a deposit from every candidate standing at an election, which may be forfeited in case the candidate is unable to secure at least 1/8 of the quota fixed for the election.

4. All election disputes shall be decided by tribunals constituted by the State Councils.

Funds of State Councils.

5. The funds of State Councils must first be deposited in the State Bank of India or any schedule bank before any money could be expended, and disbursement shall ordinarily be made by cheques, unless the amount involved is small.

6. The funds shall be invested in government or other securities specified in section 20 of the Indian Trusts Act.

7. Every State Council shall maintain a provident fund for its employees and also pay gratuity in accordance with rules which each Council may frame.

8. The State Councils may accept donations in cash or kind for any of the purposes of the Act.

9. The accounts of every State Council shall be audited by Chartered Accountant once a year.

Books and Registers

10. The State Bar Councils and the Bar Council of India shall maintain the following books :—

- (a) Minutes Book;
- (b) Attendance Register for the staff;
- (c) Leave Register for the staff;
- (d) Acquittance Register;
- (e) Day Book and Ledger;
- (f) Receipt Books;
- (g) Financial Assistance Register;
- (h) Provident Fund Account; and
- (i) Property Register.

11. *Security of records of State Councils.*—(i) The Chairman, (ii) The Vice-Chairman, (iii) any member of the Council or the Secretary of the Council duly authorised by a resolution, shall be entitled at any time to look into any of the records or other papers of any State Council.

Enrolment

12. Every candidate seeking enrolment as an advocate shall be required to affirm and subscribe to the following declarations :—

- (a) 'I shall uphold the Constitution and the Laws';
- (b) I shall faithfully discharge every obligation cast on me by the Act and the Rules framed thereunder.

Supervision and Control

13. The State Council shall, when so required, make such periodical returns or statistics or furnish such information as may be prescribed or called for by the Council.

14. The Secretary of every State Council shall *inter alia* send to the Secretary of the Council.

- (a) a copy of the notice of every election of members to the State Council, a copy of the list of members elected, intimation of the election disputes, if any referred to any tribunal or committee and the result thereof;
- (b) the name of the *ex-officio* member of the State Council;
- (c) the names of members of the State Council co-opted for any vacancy;
- (d) the names of members elected as Chairman and Vice-Chairman of the State Council from time to time;
- (e) the name of the Secretary of the State Council and his residential address;
- (f) address of the State Council, and intimations as to its hours of work and holidays;
- (g) the name and address of the member elected to the Council and the date of election; and
- (h) before the 31st day of December each year a statement as to the number of Disciplinary matters taken on file; number of cases disposed of and number of cases pending.

15. Every State Council shall arrange for the audit of its accounts in time in accordance with its rules, and send forthwith, after audit, the copy of the audited accounts together with a copy of the report of the auditors thereon to the Council.

16. Every State Council shall pay to the Council the sum payable to it within the time provided for under Section 46 of the Act. Such payment shall be made by :—

- (a) sending a draft for the amount payable; or
- (b) giving suitable directions to its bankers to transfer the amount payable to the credit of the Council.

17. (a) The State Councils shall give due publicity to their rules.

(b) The State Councils shall furnish information of the names of persons (with their roll numbers and other necessary Particulars) removed from its rolls or suspended under Chapter V of the Act, or who voluntarily suspend practice, and of those who resume practice to all the Bar Associations, and the High Court and the subordinate Courts in the State.

18. (a) The names of advocates shall be entered in the rolls without suffixes, prefixes, titles or degrees.

In the case of a person who has taken a degree in Law from any University, the name shall be the same as entered in the degree or other certificate granted by the University,

in the case of a Barrister, as in the certificate of call to the Bar;

In the case of a Vakil, Pleader or Attorney or Mukhtar, as it is in the certificate of entry as such Vakil, Pleader, Attorney or Mukhtar; and

In the case of a person previously enrolled as an Advocate, whether he holds a degree in law or not, as in the certificate of such admission.

In the case of any person not falling under any of the above categories, the name shall be such as the State Council or the Enrolment Committee may determine.

(b) The name as entered in the roll of the State Council shall not be altered in any respect except when—

(i) on an application for that purpose, the State Council accords its permission,

(ii) a notice thereof is thereafter affixed on the notice board of the State Council and published in the local gazette in one issue or in a local English newspaper as the State Council may specify; and

(iii) the applicant defrays all the necessary costs thereof.

(c) Every State Council shall forthwith communicate to the Council the change if any in the name of any advocate on its rolls.

19. (a) When the name of an advocate is removed from the rolls, or an advocate is suspended from practice or otherwise punished under an order of any Disciplinary Committee or an order of the Supreme Court under section 38, or when an intimation of voluntary suspension from practice is received from the advocate, the State Council in respect of a person in its roll, and the Council

in respect of a person whose name is not in any State Roll, shall furnish information thereof, giving the name of the advocate, his roll number and date of enrolment, his address, nature of the punishment inflicted—

(i) to the Registrar of the High Court of the State;

(ii) to the Registrar of the Supreme Court of India;

(iii) to the Bar Association in the High Court;

(iv) to the District Courts of the State; and

(v) to such other authorities as the State Council or the Council may direct.

(b) The State Bar Councils, and the Bar Council of India shall also cause to be published in the State Gazettes or the Gazette of the Government of India as the case may be, information relating to the removal from the roll or the suspension of an advocate for misconduct.

A. N. VEERARAGHAVAN

Secretary

The Bar Council of India

New Delhi,

30th July 1965.

DEPARTMENT OF POSTS & TELEGRAPHS

Office of the Director-General, Posts and Telegraphs

NOTICE

New Delhi-1, the 9th August 1965

No. 25/34/65-LI—Postal Life Insurance EA/55 Policy No. 37131-P dated 2nd April 1945 for Rs. 1,000 held by Shri Suraj Bhan, having been lost from his custody notice is hereby given that the payment thereof has been stopped. The Deputy Director, P.L.I., Calcutta, has been authorised to issue a duplicate policy in favour of the insurant. The Public are hereby cautioned against dealing with the original policy.

S. SRINIVASAN

Director

Postal Life Insurance